

1 I see the reason it won't close is because
2 she had had an accident.

3 I don't know if she hit another
4 car or whatever. That's when she told me
5 she had hit a pole or something, just
6 brushed a pole. She hadn't had a car
7 accident with another vehicle or anything.

8 Q. It wasn't until you actually saw
9 it?

10 A. The reason why she couldn't
11 close the door.

12 Q. Now, I am going to show you what
13 has been marked as page 6 of the
14 investigative file. It says there that
15 for the employees named at the top, that
16 you were the requesting official on one
17 other discipline for an employee that did
18 not report an accident in a timely
19 manner.

20 Do you recall that?

21 A. Kind of.

22 Q. Have you ever had to issue
23 discipline to a transitional employee for
24 not reporting an accident?

1 A. This was two years ago. I
2 really don't remember.

3 Q. The right side front,
4 approximately?

5 Let's go to page 45. It wasn't
6 a door where she was pulling down,
7 according to the report. The report
8 states, "The right front side of the LLV,
9 approximately."

10 A. Okay.

11 Q. It wouldn't be -- according to
12 your statement, it wouldn't be the back
13 door where you pull down. You stated that
14 she told you she couldn't get the door
15 down.

16 A. She told me she couldn't shut
17 the door. I don't know if that means
18 up-down. She said she could not close it.
19 So up -- to the side --

20 Q. What did she say to you?

21 A. She said she could not close the
22 door. She either said I couldn't close it
23 or I couldn't get it down. I don't
24 recall; this was two years ago. I don't

1 it because there had been a collision of
2 some sort. That's when she told me she
3 brushed up against the pole.

4 Q. What did you say to her?

5 A. I don't remember what I said to
6 her.

7 Q. According to a statement
8 somewhere, it said that you said, Kathy,
9 you have had an accident.

10 A. Okay. I mean once I seen it, I
11 probably did say, that's why you can't
12 close it, because you had an accident, not
13 because there is something wrong with it.

14 Q. What did you do then after you
15 made the statement to her?

16 A. I probably went back inside and
17 called -- probably tried to call Jeff or
18 Kathy to see --

19 Q. You didn't do anything before
20 you tried to call them?

21 Did you order her back out to
22 finish her route?

23 A. No, I didn't order her back out
24 to finish her route. She volunteered and

1 said, do you want me to finish my
2 deliveries; and I said, yes. So I gave
3 her the keys to another vehicle, which she
4 did do, which I found out that that was
5 incorrect.

6 Q. You didn't go to the scene of
7 the accident?

8 A. Not when she was back, I
9 didn't. I don't recall if it was the same
10 day or the next day, but either Kathy or
11 Jeff told me to go up there.

12 I don't think they did. I think
13 I was leaving there on my way home, and I
14 seen it. I think the next day I might
15 have mentioned to them that I didn't see
16 any damage to the pole or anything. The
17 pole didn't look damaged, just the LLV.

18 Q. The next day would have been a
19 Sunday, wouldn't it, according to the
20 dates.

21 A. Maybe it wasn't the next
22 day. Maybe it was later that day.

23 Q. That's when you went out and
24 took pictures and everything?

1 touched.

2 Q. Everything was touched?

3 A. I believe so.

4 Q. What to do in case of safety?

5 A. Step by step, no.

6 Q. In case of an accident?

7 A. Step by step, no.

8 Q. Just in general?

9 A. In general, yes.

10 Q. What to do in case of an
11 accident?

12 A. Yes. But I wasn't notified this
13 was an accident, so I wasn't able to do
14 that, which would be to go and get a
15 report, take pictures, call the police.

16 Q. You just testified that you went
17 out.

18 A. Afterward. The proper procedure
19 for an accident is they don't leave the
20 site. They call their supervisor; and the
21 supervisor comes out to that site and does
22 their procedures, their investigation,
23 taking pictures. I was not able to do
24 that because I wasn't told that she had an

1 accident. But afterward, yeah, I did go
2 and take pictures so we could have
3 something.

4 Q. When she came into the station
5 and you went out, according to some
6 statement you made at the arbitration, you
7 said, Kathy, you have had an accident.

8 A. Right. That's why the door
9 wouldn't shut.

10 Q. You stated that to her?

11 A. Right.

12 Q. Is that what you said?

13 A. If that's what my statement
14 says, then I did.

15 Q. Why did you send her back out?

16 A. I was wrong. I was a supervisor
17 for a couple of weeks and I didn't know. I
18 assumed since it wasn't a vehicle that she
19 hit or a pedestrian, I didn't think that
20 was an accident. But afterward, yes, I
21 learned that is even an accident.

22 Anything that is preventable,
23 they consider an accident; but, yes, I was
24 wrong. I do admit that. I should not

1 have sent her back out.

2 Q. Well, do you think if you had
3 kept her in the station and wrote up the
4 report on it and, you know, went through
5 the regular procedures, she wouldn't have
6 lost her job?

7 Do you think if you had done
8 that, that would have saved her?

9 A. No. I think if she would have
10 reported it, she wouldn't have lost her
11 job. That's what I think.

12 I think when she called me, if
13 she would have said I had an accident, I
14 hit a pole, then I don't think she would
15 have lost her job. She didn't do that.

16 Q. But if she came in with the
17 truck --

18 A. I don't think so because she is
19 a transitional employee. You asked me for
20 my opinion.

21 Do I think if I would have sat
22 there and wrote up a report, that she
23 wouldn't have lost her job? I don't think
24 that would have happened.

1 CERTIFICATE

2 I, Patricia W. White, Court Reporter
3 and Notary Public in and for the State of
4 Ohio, do hereby certify that I reported
5 the foregoing proceedings and that the
6 foregoing transcript of such proceedings
7 is a full, true and correct transcript of
8 my stenotypy notes as so taken.

9 I do further certify that I was
10 called there in the capacity of a Court
11 Reporter, and am not otherwise interested
12 in this proceeding.

13 IN WITNESS WHEREOF, I have hereunto
14 set my hand and affixed my seal of office
15 at Columbus, Ohio, on this 6th day of
16 August, 2002.

17 Patricia W. White

18 PATRICIA W. WHITE, Notary Public -
19 State of Ohio.

20 My commission expires May 31, 2007.
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